

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: July 15, 2004 Name: John C. Freeman, Registration No. 34,483 Signature: *John C. Freeman*

BRINKS  
HOFFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Helmut Harrer

Appln. No.: 10/821,628

Filed: April 9, 2004

For: POSITION MEASURING SYSTEM

Attorney Docket No: 12484/3

Examiner: Unassigned

Art Unit: 2855

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Transmittal Letter (in duplicate); Information Disclosure Statement; PTO 1449 along with five (5) cited references.
- ☒ Return Receipt Postcard

## Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

*July 15, 2004*  
Date

Respectfully submitted,

*John C. Freeman*  
John C. Registration (Reg. No. 34,483)



IFW

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on July 15, 2004

Name of Registered Representative:

John C. Freeman, Reg. No. 34,483

Date of Signature

PATENT  
CASE NO. 12484/3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
Helmut Harrer )  
 ) Art Unit: 2855  
Serial No.: 10/821,628 )  
 ) Examiner: unassigned  
Filed: April 9, 2004 )  
 )  
For: POSITION MEASURING SYSTEM)

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with Applicant's duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicant hereby submits the following references for consideration by the Examiner. Copies of the cited U.S. Patents are not being supplied pursuant to the waiver of the rules presented in the U.S. Patent and Trademark Office Official Gazette Notice dated August 5, 2003. Copies of all of the other cited references are enclosed along with a completed copy of Form PTO-1449.

## **I. DISCLOSURE**

### **A. U.S. Patents**

<b><u>Patent No.</u></b>	<b><u>Inventor</u></b>	<b><u>Issue Date</u></b>
6,257,907 B1	Feichtinger	07/10/01
6,617,571 B2	Thaler et al.	09/09/03

### **B. Foreign Patents**

<b><u>Reference No.</u></b>	<b><u>Country</u></b>	<b><u>Pub. Date</u></b>
42 41 020 A1	Germany	06/09/94
195 23 795 C1	Germany	12/19/96
195 43 372 A1	Germany	05/22/97
199 13 262 A1	Germany	09/28/00
100 31 302 A1	Germany	01/10/02

## **II. DISCUSSION**

### **A. German Reference No. 42 41 020**

Based solely on the drawings and the attached English language Abstract, the '020 reference is pertinent, because it appears to disclose a rotating actuator for a throttle flap with electrical connection contacts and a throttle position sensor within a chamber.

The '020 reference was cited as an A-type reference in a Search Report regarding corresponding German Patent Application No. 103 16 870.2. An A-type reference provides technical background and is not relevant to patentability.

### **B. German Reference No. 195 23 795**

Based solely on the drawings and the attached English language Abstract, the '795

reference is pertinent, because it appears to disclose a cable gland using a crimp sleeve and a collet.

The '795 reference was cited as an A-type reference in a Search Report regarding corresponding German Patent Application No. 103 16 870.2.

**C. German Reference No. 195 43 372**

The pertinence of the '372 reference is discussed in paragraphs 0004 and 0005 of the subject application. Based solely on the drawings and the attached English language Abstract, the '372 reference appears to disclose an angle measurement device with a cable strain relieving device inside of a housing.

**D. German Reference No. 199 13 262**

Based solely on the drawings and the attached English language Abstract, the '262 reference is pertinent, because it appears to disclose a part of a connecting cable being fastened by a holder on a housing, wherein the holder may release tension of the connecting cable. It is believed that the '262 reference corresponds to U.S. Patent No. 6,257,907.

The '262 reference was cited as an A-type reference in a Search Report regarding corresponding German Patent Application No. 103 16 870.2.

**E. German Reference No. 100 31 302**

Based solely on the drawings and the attached English language Abstract, the '302 reference is pertinent, because it appears to disclose an angle measuring device with a housing having an opening for electrical connections. It is believed that the '302 reference corresponds to U.S. Patent No. 6,617,571.

The '302 reference was cited as an A-type reference in a Search Report regarding

corresponding German Patent Application No. 103 16 870.2.

### **III. CONCLUSION**

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicant wishes to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicant's desire, however, to have these references available in the record for both the Examiner and the public to see. Applicant therefore requests that the Examiner review the entire disclosure of each reference and make the above-listed references of record.

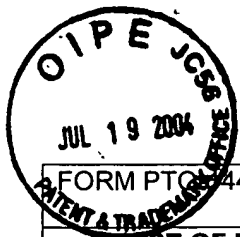
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J.C. Freeman', written in a cursive style.

John C. Freeman  
Registration No. 34,483  
Attorney for Applicant

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Dated: July 15, 2004



FORM PTO 1449	SERIAL NO. 10/821,628	CASE NO. 12484/3
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE April 9, 2004	GROUP ART UNIT 2855
(use several sheets if necessary)	APPLICANT(S): Helmut Harrer	

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	6,257,907 B1	07/10/2001	Feichtinger		
	A2	6,617,571 B2	09/09/2003	Thaler et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A3	42 41 020 A1	06/09/1994	Germany		Yes
	A4	195 23 795 C1	12/19/1996	Germany		Yes
	A5	195 43 372 A1	05/22/1997	Germany		Yes
	A6	199 13 262 A1	09/28/2000	Germany		Yes
	A7	100 31 302 A1	01/10/2002	Germany		Yes

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>
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EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.